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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,893	02/04/2004	Juergen Reithinger	P04,0007	3873
26574 · 7590 SCHIFF HARDIN, LLP PATENT DEPARTMENT 6600 SEARS TOWER CHICAGO, IL 60606-6473			EXAMINER PENDLETON, DIONNE	
			ART UNIT	PAPER NUMBER
			2615	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/13/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/771,893

Applicant(s)

REITHINGER, JUERGEN

Examiner

Dionne H. Pendleton

Art Unit


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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ⁰⁴ 01 February 2004. 
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/2005; 7/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. **Claim 1** is rejected under 35 U.S.C. 102(e) as being anticipated by **Bohn (US 6,584,301)**.

Regarding claim 1,

Absent language drawn to structure of a “hearing device”, Applicant’s recitation of a “hearing device” has not been given patentable weight.

In **figure 3**, Bohn teaches a device for transmitting and receiving data comprising: a transmission device **112** comprising a transmitter coil **116** to transmit data; a reception device **114** comprising a receiver coil **118** for receiving data; and a common core **128** on which both said transmitter coil and receiver coil are wound (**see, col. 3, Ins 65-67; col. 4, Ins 4-6; col. 4, Ins 37-39**); also causing said receiver coil to be excited for transmission of data by said transmitter coil (**see, col. 3, Ins 58-62; col. 4, Ins 18-20.**)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 2 and 4** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bohn (US 6,584,301)** in view of **Roesner (US 6,229,443)**.

Regarding claim 2,

BOHN teaches a reception device comprising a receiver circuit **114**. Bohn does not clearly teach a protective circuit through which the receiver circuit is connected to said receiver coil.

ROESNER teaches, in **figure 1**, a protective circuit interposed between the receiving coil **14** and receiver unit (**see, col. 1, lns 11-20**). It would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate the overload protection circuit of Roesner into the device of Bohn, for the purpose of avoiding overload of the receiving unit.

Regarding claim 4,

Roesner teaches that the protective circuit (**10,12,18**) is connected in parallel with the receiver coil.

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3. **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Bohn (US 6,584,301)** in view of **Roesner (US 6,229,443)**, as applied to claim 2, and further in view of **D. Sheffet (US 3,365,670)**.

Regarding claim 3,

BOHN AND ROESNER teach a transmitting receiving device as in claims 1 and 2.

Roesner teaches that the protective circuit comprises a capacitor **18** connected in series with a general voltage sensing circuit **12**. Bohn and Roesner do not clearly teach that the voltage sensing circuit may be realized using a parallel circuit of two diodes connected with opposite polarity.

D. SHEFFET teaches, in **figure 4a**, that a protective circuit may be realized using a capacitor **403** connected in series with a parallel circuit of two diodes **401,402** connected with opposite polarity. It would have been obvious for one of ordinary skill in the art at the time of the invention to substitute the protective circuit of D. Sheffet for the protective circuit of Bohn and Roesner, thereby protecting the subsequent circuit component from overload.

4. **Claims 5-7** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bohn (US 6,584,301)** in view of **Everett (US 5,317,330)**.

Regarding claim 5,

BOHN teaches a transmitting receiving device as recited in claim 1. Bohn does not clearly teach that the transmitting receiving device operates in a frequency range of between 50kHz and 200kHz.

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EVERETT teaches the practicality of operating a transmitting receiving device between 50kHz and 200kHz (**see, col. 4, Ins 4-8**). It would have been obvious for one of ordinary skill in the art at the time of the invention to employ the teachings of Everett for the Bohn device, since operating at such frequencies permit through-the-body operation and easy clock generation (**see, Everett, col. 1, Ins 34-35.**)

Regarding claim 6,

BOHN teaches a transmitting receiving device as recited in claim 1. Bohn does not clearly teach that said reception device comprises a reception oscillator circuit, wherein the receiver coil forms an oscillator circuit coil for said oscillator circuit.

EVERETT teaches, in **figure 3**, a reception device **34** comprising a reception oscillator circuit **36,38**, wherein the receiver coil **36** forms an oscillator circuit coil for said oscillator circuit **36,38** (**see, col. 2, Ins 63-66**). It would have been obvious for one of ordinary skill in the art at the time of the invention to employ the reception oscillator circuit taught by Everett, for the purpose of creating a parallel resonance at the frequency of the receive signal.

Regarding claim 7,

Everett teaches that said transmission coil has an inductance and wherein said reception oscillator circuit has a resonant frequency (**see, col. 2, Ins 63-66**), and wherein the reception device comprises a correction capacitor **40** to correct the resonant frequency of the reception oscillator (**see, col. 2, Ins 66-68; col. 3, Ins 11-15.**)

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5. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Bohn (US 6,584,301)** in view of **Everett (US 5,317,330)**, as applied to claim 7, and further in view of **D. Sheffet (US 3,365,670)**.

Regarding claim 8,

BOHN and EVERETT teach a transmitting receiving device comprising a corrective capacitor **40**, as recited in claim 7.

BOHN and EVERETT do not clearly teach a protective circuit between the receiver circuit and reception coil, wherein the receiver circuit comprises a correction capacitor and a parallel circuit of two diodes connected with opposite polarity.

D. SHEFFET teaches, in **figure 4a**, the obviousness of realizing a protective circuit using a corrective capacitor **403** connected in series with a parallel circuit of two diodes **401,402** connected with opposite polarity.

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Bohn, Everett and D. Sheffet, for the purpose of protecting the subsequent circuit component from overload.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dionne H. Pendleton whose telephone number is 571-272-7497. The examiner can normally be reached on 9-5:30 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Dionne Pendleton


SINH TRAN
SUPERVISORY PATENT EXAMINER